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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,871	07/27/2006	Ralf Peter Mueller	785-012455-US (PAR)	7341

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PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER
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ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/565,871

Applicant(s)

MUELLER ET AL.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 41-75 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

***Election/Restriction***

Restriction is required under 35 U.S.C. 121 and 372.

1. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under pct Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required in reply to this action to elect a single invention to which must be restricted.

Group I, claims 41-56 and 64-69, drawn to a slicing machine including a rotating cutting blade mounted so to be displaced parallel to its axis of rotation and a counterweight which may be displaced in the opposite direction from the cutting blade.

Group II, claims 57-60, drawn to a use of axial displacement of the cutting edge and a cutting guide by expansion phenomena of the blade caused by thermal expansion.

Group III, claims 61-63 and 70-71, drawn to a device for slicing food products including an adjustment limit stop with which the cutting gap between the cutting plane and the cutting edge is established.

Group VI, claims 72-75, drawn to a device for slicing food products including displacing the cutting blade with a means that has a first and second end in which the position of one end may be modified relative to the other end.

2. The inventions listed as Groups or Inventions I-VI do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention I, as mentioned above, is not present in inventions II-IV. Conversely, the technical

futures in inventions II-IV are not present in invention I. It should be noted that inventions I-IV are distinct from one another by having at least a specific feature that is not presented in the other inventions.

3. Upon election of Group I above, applicant must elect of the inventions in the following Groups.

Group IA, claim 42, drawn to a slicing machine in which the displacement of the cutting blade is preferably effected by a feedback-controllable drive.

Group IB, claims 44 and 50-52, drawn to a slicing machine in which the counterweight is mounted so as to be displaceable along the drive shaft.

Group IC, claims 45-47, drawn to a slicing machine in which the displacement of the cutting blade and/or counterweight is effected by at least one spindle.

Group ID, claim 48, drawn to a slicing machine in which the displacement mechanism of the blade and/or counterweight is temperature-controlled.

Group IE, claim 49, drawn to a slicing machine in which the blade and/or the blade holder is mounted using a means which may be bent and released again, preferably a disk.

Group IF, claim 64, drawn to a slicing machine in which the adjustment limit stop is a contact sensor.

Group IG, claims 65-66, drawn to a slicing machine in which the axial displacement is effected by a motor.

Group IH, claim 67, drawn to a slicing machine in which the position of the limit switch and the width of the cutting gap is selected by means of a display.

It should be noted that claims 43, 53-56, 68 and 69 will be examined with one of the

elected inventions in Groups IA-IH.

It should also be noted that claim 41 links invention IA (claims 44) and inventions IB-IH. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claim(s) 41. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.

4. The inventions listed as Groups or Inventions IA-IH do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention IA, as mentioned above, is not present in inventions IB-IH. Conversely, the technical features in inventions IB-IH are not present in invention I. It should be noted that inventions IA-IH are distinct from one another by having at least a specific feature that is not presented in the other inventions.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (501) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ghassem Alie  
Patent Examiner  
Art Unit 3724

*Ghassem Alie*

August 19, 2007